



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

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DEC 14 1997

Reply To
Attn Of: OW-134

Steve Landino
National Marine Fisheries Service
510 Desmond Drive S.E. Suite 103
Lacey, Washington 98503

Dear Steve:

The State of Washington adopted revisions to their water quality standards (known as Phase I of the triennial review) on November 18, 1997, and submitted them to the Environmental Protection Agency (EPA) on December 5, 1997. EPA approved the revisions on February 6, 1998, noting that consultation under Section 7 of the Endangered Species Act would be required, and that it was possible that the outcome of the ESA consultation might necessitate our "reconsideration of the approval action."

EPA has been working through the backlog of consultations on state water quality standards, with consultations on Oregon and Idaho water quality standards well underway. We would now like to initiate consultation on the Washington Phase I revisions, which are identified on the attached State background paper. We would also like to alert you to the need to have staff from your office engage in the current triennial review of Washington water quality standards (Phase II). The Phase II triennial review is focussed on developing antidegradation implementation procedures and a possible revision of the structure of the Washington water quality standards from a class-based system to a use-based system, with a special emphasis on temperature criteria to protect various aquatic life uses.

In order to commence the Phase I consultation we would appreciate receiving a list of threatened and endangered species under the jurisdiction of the National Marine Fisheries Service that may be found in the waters of the State of Washington.

Thank you for your timely attention to this request. If you have questions, please feel free to contact me at (206) 553-0176.

Sincerely,

Marcia G. Lagerloef
Water Quality Standards Coordinator

Enclosure



Hearing Notice

Public Hearings on Surface Water Quality Standards

Background

The surface water quality standards (Chapter 173-201A WAC) are reviewed at least once every three years by the Washington State Department of Ecology as required by the Environmental Protection Agency (EPA). These standards are intended to protect surface waters of the state for public health, enjoyment and the propagation and protection of fish, shellfish, and wildlife. The water quality standards establish acceptable levels of toxic material and other substances that can be discharged without harming fish and other uses.

Ecology started public scoping to determine issues to include in 1994. The information we received from the public led to developing advisory committees and drafting of changes to the standards. Public workshops were held in 1996 to gain input on proposed rule changes. Ecology has drafted rule language and would like your comments.

The proposed modifications to the water quality standards we are seeking comments on include the following:

1. **Lake Nutrient Criteria** -- Includes guidance for establishing nutrient criteria for lakes to help respond to problems with algae blooms. Excessive nutrients in lakes cause algae to grow, which affects recreation and aesthetic enjoyment, and may be unhealthy to fish. This guidance uses values of total phosphorus to trigger action and help establish criteria.
2. **Short-Term Modifications** -- Includes revising the section allowing short-term modifications of water quality criteria. Turbidity caused by construction or other in-water activity would be addressed in the rule using mixing zones. Other construction related activities that are likely to have discharges would be addressed under existing permit programs or through the use of Best Management Practices (BMPs). Dissolved gas exceedances for fish passage on the Snake and Columbia River would be handled with temporary special conditions in the standards. The dissolved gas conditions would be allowed only when consistent with an Ecology approved gas abatement plan.
3. **Wetlands Definitions** -- Proposes revising the definitions of "waters of the state" to clarify that wetlands are included. Also proposed are some wetland definitions that describe the types of wetlands and a paragraph explaining how wetlands criteria are to be applied.

4. Toxic Substances

- ◆ *Metals conversion factors* -- Some metals regulated in the surface water quality standards are based on the levels of those metals found dissolved in waters. The EPA has developed new information that will improve the accuracy of the factors the state currently uses to describe these dissolved metals.
- ◆ *Copper criterion* -- Will be adjusted for marine waters based on new EPA data.
- ◆ *Ammonia criterion* -- Adjust the criterion to account for new information.
- ◆ *Cyanide criterion* -- Adjust the criterion based on recent toxicity tests using Washington organisms.

5. Clarification of Language

- ◆ *Fresh and marine water criteria* -- Clarifying how to determine where these criteria apply at the boundary between fresh and salt waters.
- ◆ *Natural background conditions* -- Re-word this definition so that it is clear neighboring watersheds can be used for assessing conditions.
- ◆ *Compliance schedules* -- Re-word this section to make it clear that narrative interim limits may also qualify for a compliance schedule.
- ◆ *Typos* -- Correct typographical errors and other small wording changes.

Due to the complexity of issues and number of technical perimeters related to Washington's water quality standards, these hearings will focus on discussing the proposed changes listed above.

Future Water Quality Standards Activities (NOT Discussed at These Hearings): While the following two issues won't be discussed at the hearings this summer, we want you to know about them. An antidegradation implementation plan and restructuring of the water quality standards should be ready for broad public involvement by this upcoming winter.

Antidegradation Policy Implementation Plan. This policy is in the current water quality standards, but requires additional clarity regarding implementation. The policy requires that beneficial uses of state waters be protected. The department is developing an implementation plan that contains the details necessary to ensure the policy is carried out effectively. We are also considering the possibility of a gradual phase-out on the use of dilution zones for certain toxic pollutants that accumulate to higher concentrations in fish and shellfish.

Changing the Water Quality Standards to a Use-Based Structure. Ecology is working on a plan to restructure the current water quality standards. Waters are now assigned to specific classes for protection with beneficial uses protected under these classes. We propose changing to a structure that allows individual beneficial uses to be assigned to specific waterbodies. This provides more flexibility to assign uses which recognize the individual potential of waters to support such uses. Ecology is re-evaluating its current water quality criteria for conventional pollutants to determine if they appropriately protect the various beneficial uses.

For More Information

If you would like more information about the process or a list of items included in the review, or if you have special accommodation needs, please contact: Eric Schlorff at (360) 407-6478 or TDD (360) 407-6606.